

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

In Re:

LLS AMERICA, LLC,

Debtor,

BRUCE P. KRIEGMAN, solely in his
capacity as court-appointed Chapter 11
Trustee for LLS America, LLC,

Plaintiff,

v.

DAVID PERRY and OTHELIA
SPARE,

Defendants.

NO: 2:12-CV-664-RMP

Bankr. Case No. 09-06194-PCW11

Adv. Proc. No. 11-80293-PCW11

ORDER GRANTING MOTION TO
CONSOLIDATE WITH CASE NO.
2:12-CV-668-RMP

BEFORE THE COURT is Plaintiff's Motion to Consolidate this case with Case No. 2:12-CV-668-RMP. ECF No. 32. Defendant Perry filed an objection on March 3, 2014. ECF No. 50. The Court has reviewed the motion, Defendant Perry's response, and the file and records therein.

ORDER GRANTING MOTION TO CONSOLIDATE WITH CASE NO. 2:12-CV-668-RMP ~ 1

1 Defendant Perry argues that consolidation would be improper because his
2 case involves a number of unique issues, such as lack of timely notice and
3 objections to the Trustee's conduct. ECF No. 50. However, the Court finds that
4 Defendant Perry's assertions are insufficient to show that he would be prejudiced
5 by a consolidated bench trial. The Court finds that there are common issues of law
6 and similar facts in both cases that warrant consolidation. *See* Fed. R. Civ. P. 42.

7 Accordingly, **IT IS HEREBY ORDERED:**

- 8 1. Plaintiff's Motion to Consolidate, **ECF No. 32**, is **GRANTED**.
9 2. This case is hereby consolidated with **Case No. 2:12-CV-668-RMP** for
10 trial purposes only.

11 The District Court Clerk is directed to enter this Order, to consolidate this
12 case with Case No. **12:12-CV-668-RMP**, to provide copies of this Order to counsel
13 and to any pro se defendants, and **CLOSE** case number 2:12-CV-664-RMP.

14 **DATED** this 17th day of March 2014.

15
16 s/ Rosanna Malouf Peterson
17 ROSANNA MALOUF PETERSON
18 Chief United States District Court Judge
19
20